

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:) Chapter 11
)
W.R. GRACE & CO., <i>et al.</i> ,) Case No. 01-01139 (JKF)
)
Debtors.) Jointly Administered
)
) Hearing Date: 4/22/02 at 10 a.m.
) Objection Deadline: 4/15/02 at 4 p.m.

MOTION TO SHORTEN NOTICE

The Official Committee of Asbestos Personal Injury Claimants (the "P.I. Committee"), by and through their undersigned counsel, hereby move, pursuant to Rules 2002 and 9024 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), Rule 60(a) of the Federal Rules of Civil Procedure (the "Federal Rules"), and Sections 102 and 105 of Title 11 of the United States Code (the "Bankruptcy Code"), for the entry of an order shortening the time for notice (the "Motion") of the Motion of the Official Committee of Asbestos Personal Injury Claimants to Correct the Court's Order Transferring Certain Asbestos Personal Injury Claim Matters to the Honorable Alfred M. Wolin, D. N.J. [D.I. # 1813] (the "Motion to Correct"). In support of the Motion, the P.I. Committee respectfully represent as follows:

1. The Motion to Correct seeks an order of the Court correcting the Court's Order Transferring Certain Asbestos Personal Injury Claim Matters to the Honorable Alfred M. Wolin, D. N.J. [D.I. # 1813] (the "Transfer Order"), pursuant to Federal Rule 60(a), so that the record for the transferred matter is accurate and complete.
2. The next scheduled Omnibus Hearing Date in these Chapter 11 proceedings is April 22, 2002 at 10:00 a.m. (the "April Omnibus Hearing"). As of the date hereof, no scheduling or briefing order has been entered by Judge Wolin concerning the subject of the

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Transfer Order. Consequently, the P.I. Committee submits that the Court should address the issues raised by the Motion to Correct at the April Omnibus Hearing so that such adjudication may be had in time to present a corrected record for Judge Wolin's consideration.

3. Federal Rule 60(a), made applicable to these proceedings by Bankruptcy Rule 9024, provides:

(a) **Clerical Mistakes.** Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, *if any, as the court orders.*

Fed. R. Civ. P. 60(a) (emphasis added). The P.I. Committee submits that under the present circumstances of the instant Chapter 11 cases, the Court is justified in ordering that seventeen (17) days notice of the Motion to Correct is sufficient. See 11 U.S.C. § 102(1) (defining "notice and hearing" as "after such notice as is appropriate in the particular circumstances, and such opportunity for a hearing as is appropriate in the particular circumstances . . .").

4. Notice of this Motion has been provided to: (a) Office of the United States Trustee; (b) counsel to each of the Official Committees; (c) the Debtors; and (c) all parties who have requested notice pursuant to Bankruptcy Rule 2002. Counsel for the P.I. Committee has discussed the relief requested in this Motion and the Motion to Correct with counsel for the Debtors and the Office of the United States Trustee. Neither party objects to the relief requested. The P.I. Committee submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the P.I. Committee respectfully request the entry of an order shortening the notice period as set forth herein, and scheduling a hearing on the Motion to Correct on April 22, 2002 at 4:00 p.m.

CAMPBELL & LEVINE, LLC

/s/Matthew G. Zaleski, III
Matthew G. Zaleski, III (No. 3557)
Chase Manhattan Centre, 15th Floor
1201 N. Market Street
Wilmington, DE 19899
(302) 426-1900

-and-

CAPLIN & DRYSDALE, CHARTERED
Elihu Inselbuch
399 Park Avenue
New York, NY 10022-4614
(212) 319-7125

-and-

CAPLIN & DRYSDALE, CHARTERED
Peter Van N. Lockwood
One Thomas Circle, N.W.
Washington, D.C. 20005
(202) 862-5000

Counsel to the Official Committee of
Asbestos Personal Injury Claimants

Dated: April 5, 2002

SO ORDERED this 22 day of
April, 2002


Judith K. Fitzgerald
United States Bankruptcy Judge